IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 305 OF 2002

1. Gurudas P. Gauns,
of major age, r/o
Navelim, Sankhali,
Goa,

2. Shri Damodar Vaman
Bhonsle, r/o
Bhamai, Pale-Goa, and

3. Shri Shivanand Vaman
Gauns, r/o Navelim,
Sankhali-Goa. ... Petitioners.

Versus

1. The Registrar of
Co-operative Societies
& Ex-Officio Joint
Secretary, Government
of Goa, having office
at Panaji, Goa,

2. Shri Kashinath Shet
Verenkar, of major age,
businessman, r/o
Velguem, Bicholim, Goa, and

3. Shri Praveen D. Blaggan,
of major age, r/o Gokulwadi,
Sanquelim, Goa. ... Respondents.

Shri M. S.Sonak, advocate for the petitioners.

Shri V.P. Thali, Addl. Advocate General with Ms. S. Linhares, Addl. Govt. Advocate for the respondent no.1.

Shri A. V. Nigalye, advocate for respondent no.2 and 3.

CORAM: P. V. KAKADE, J.

DATE: 13th December, 2002.

ORAL JUDGMENT

Rule. Rule made returnable forthwith with the consent of the parties.

Heard Shri Sonak, learned counsel for the

petitioners, Shri Thali, learned Additional Advocate General for respondent no.1 and Shri Nigalye, learned advocate for respondents no.2 and 3.

2. It appears from the record that the petitioners have sought an appropriate writ for quashing and setting aside the ex parte impugned Order dated 24th September, 2002, passed by the respondent no.1, whereby stay was granted for taking over the affairs of the Co-operative Society. Upon this Order, this Court issued ad interim injunction by Order dated 26th September, 2002, and the operation of the impugned Order dated 24th September, 2002, came to be stayed as a result of which the administration of the Society was taken over by the petitioners and as of today, they are in charge of the affairs of the Society.

3. The respondent no.3 herein has not filed any return. A perusal of the affidavit in reply of respondent no.1, does not show any valid ground to justify the impugned Order. They have only denied the contentions raised by the petitioners stating that they are not politically involved in the dispute. Be that as it may, the fact remains that the Registrar has made over the dispute between the parties to the Assistant Registrar for necessary adjudication, which will take place in due course.

4. In the result, there is no alternative, but to quash the impugned Order dated 24th September, 2002, under the prevailing circumstances to make the Rule absolute in terms of prayer Clause (a) of the petition, with the direction that the Assistant Registrar of respondent no.1 shall adjudicate the dispute in due course, as per law. All the contentions of both the parties shall be open before the Assistant Registrar.

P. V. KAKADE, J.

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